

### REMARKS

Claims 1-22, and 40-45 are pending in the application. Claims 6, 11, 12, 16, and 22 have been amended herein. Claims 76-86 have been canceled herein without prejudice. Favorable reconsideration of the application, as amended, is respectfully requested.

Applicants' undersigned representative appreciates the Examiner's courtesy of the telephonic interview on August 17, 2004. During the interview, the undersigned representative clarified the distinction between the present invention and the cited references. With the amendments to the claims indicated above, the Examiner indicated her impression that the claim amendments would work to differentiate the invention from the cited references.

#### I. REJECTIONS OF CLAIMS 1-5, 40-43, AND 45 UNDER 35 U.S.C. § 102(e)

Claims 1-5, 40-43, and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,035,289 ("Chou"). The rejections are respectfully traversed for at least the following reasons.

##### Claims 1-5

The present inventions defined in independent claims 1 and 5 relate to methods for generating a bid for a shipper load, methods for bidding on a plurality of shipper loads, and computer program products for performing these methods.

Independent claims 1 and 5 require "assigning a group identifier to the plurality of units of capacity," and "generating a bid for the shipper load using the group identifier." In essence, one of the aspects of the invention of claim 1 is aggregating a plurality of units of capacity by assigning a group identifier to the units of capacity. Independent claim 5 contains recitations similar to those of claim 1.

The transportation mode described in the Chou patent was cited as describing the claimed assignment of a group identifier. Applicants respectfully disagree. As fully discussed in the previous responses, Chou's "transportation mode" (column 6, line 1) merely shows what kind of shipping method is used. Thus, this transportation mode cannot be a group identifier. In the Chou system, nothing is linked to, or associated with specific units of capacity as claimed. Column 5, line 63 - column 6, line 5 of Chou cited by the Examiner mentions a number of containers or truckloads. However, in the Chou system, no identifier or label is used to link that identifier to multiple containers. Chou is silent on assigning an identifier to containers or truckloads. Therefore, Chou cannot be said to anticipate the above-identified claimed feature.

Claims 40-45

Independent claims 40 and 45 require "communicating a number of shipper loads against which the particular carrier capacity is currently bid." According to one exemplary embodiment of the invention defined in independent claims 40 and 45, a shipper load can be, for example, 10 trucks. A bid can be entered against only a part of that shipper load (10 trucks). For example, a bid can be entered against only 3 trucks among the 10 truck shipper load. In this case, the exemplary embodiment communicates a number of shipper loads against which the particular carrier capacity is currently bid, that is, 3 (trucks) here.

The Action points to column 6, lines 35-40; and column 5, lines 63-67 of Chou. Chou merely shows a plurality of shippers 10 and a plurality of carriers 12 place bids and asks through a network. However, these portions are silent on a specific number of shipper loads against which the carrier capacity is currently bid, much less on communicating that specific number of shipper loads as claimed. Therefore, Chou does not suggest the above-identified claimed feature.

In view of the foregoing, independent claims 1, 5, 40, and 45, and their dependent claims are believed to be allowable over the cited art. Withdrawal of the rejections is respectfully requested.

II. REJECTIONS OF CLAIMS 6-22, 44, AND 76-86 UNDER 35 U.S.C. § 103(a)

Claims 6-11 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chou. Claims 12-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over CAPS Logistics Inc., PR Newswire ("CAPS"). Claims 76-86 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,826,244 ("Huberman"). Applicants believe that all pending claims are allowable over the cited art.

Claims 6-11 and 44

Independent claims 6 and 11 have been amended here to further clarify one of the aspects of the invention. Specifically, independent claims 6 and 11 now require "enabling a carrier to generate a plurality of bids corresponding to the plurality of shipper loads at the same time, each of the plurality of bids corresponding to a same unit of capacity."

The Action cites column 6, lines 35-40; and column 6, lines 1-16 of Chou. However, these portions of Chou do not specifically suggest generation of a plurality of bids corresponding to a plurality of shipper loads at the same time, as claimed. Nothing in Chou suggests, implicitly

or explicitly, generation of concurrent multiple bids. Therefore, claims 6-11 are believed to be allowable over the Chou patent.

Claim 44 is dependent from claim 40. Thus, claim 44 is believed to allowable for at least the same reasons set forth above in connection with independent claim 40.

#### Claims 12-16

Independent claims 12 and 16 have been amended herein to further clarify one of the aspects of the invention. Specifically, claims 12 and 16 recites "generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity; and where one of the plurality of bids is accepted, making all others of the plurality of bids unavailable." Claims 12 and 16 require, *inter alia*, that "the plurality of bids correspond to a single carrier."

The Action asserts that well-know auction systems suggest acceptance of one of multiple bids. It is respectfully submitted that such systems are irrelevant to the current claims since the conventional auction systems suggest multiple bids by multiple bidders.

By contrast, the claimed method allows a single carrier to submit multiple bids. According to a specific embodiment of the invention of claims 12 and 16, a single carrier can submit, for example, one-truck bid for each of 4 shipper loads, e.g., shippers A-D, resulting bids of 4 trucks in total. This is possible even if the carrier actually has a one truck available. As soon as shipper A accepts the one-truck bid, the system makes other three-truck bid for shippers B-D unavailable. This enables a carrier to make an efficient bid because the carrier can bid more than its available carrying capacity.

Since traditional auction systems are silent on the claimed multiple bids by a single carrier, Chou does not affect the patentability of claims 12-16. Therefore, claims 12-16 are believed to be allowable over the Chou patent.

#### Claims 17-22

The Action takes official notice. Applicants respectfully request that the Examiner provide references teaching the relevant features since only with such references in hand can Applicants make a meaningful assessment of whether the prior art teaching of such features can be properly combined with other prior art relevant to the claims.

**III. CONCLUSION**

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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Limited Recognition under 37 CFR § 10.9(b)

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**Expires: August 28, 2004**



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